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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Paul D. Marko

Serial No.: 09/849,237

Filed: May 7, 2001

For: Method and Apparatus for Concatenated
Convolutional Encoding and Interleaving

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Group Art Unit: 2662

Examiner: H. Kizou

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

XM Satellite Radio Inc. is the owner of all right, title and interest in and to the above-identified application by virtue of an assignment document executed in connection with the patent application, Serial No. 09/433,861 (now U.S. Patent No. 6,229,824), on November 4, 1999, and recorded on February 3, 2000 at Reel 010523, Frame 0835.

The owner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,229,824. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,229,824 are commonly owned. This agreement runs with any patent granted on the instant application and is binding on the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173 of prior U.S. Patent No. 6,229,824, as

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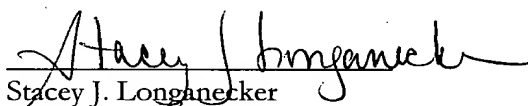
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presently shortened by any terminal disclaimer, in the event that such prior patent later: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable; (3) is found invalid by a court of competent jurisdiction; (4) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321; (5) has all claims cancelled by a reexamination certificate; (6) is reissued; or (7) is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record in this application. The filing fee of \$130.00 under 37 C.F.R. § 1.20(d) for this Terminal Disclaimer is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 18-2220.

Respectfully submitted,


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